

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

**Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.** )

**Velva, North Dakota** )

MM Docket No. \_\_\_\_\_  
RM- \_\_\_\_\_

To: Chief, Allocations Branch, Mass Media Bureau

**PETITION FOR RULE MAKING**

High Plains Broadcasting, Inc. ("HPBI"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, respectfully requests that the Commission institute a rule making proceeding to allot Channel 235C1 to Velva, North Dakota.

As set forth in the attached Technical Exhibit, which is incorporated by reference herein, this proposal will serve the public interest. The allotment of Channel 235C1 to Velva, North Dakota, will provide the first local aural transmission service to Velva, which is a census designated city with a population of 968, according to the 1990 Census. See *1990 Census of Population and Housing, North Dakota* at 42 (1993). Located in the northwestern corner of North Dakota, Velva is separated from Minot, North Dakota, by approximately 21 miles of rural countryside. <sup>1/</sup> The community, which elects its president and city commission, has its own zip code (58790) and post office. It also is the site of the Velva Public School, the Velva Swimming Pool, and the

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<sup>1/</sup> Distance is calculated by the USGS Geographic Server, as reached through the site [www.indo.com/distance](http://www.indo.com/distance).

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Velva Fire Department, as well as a health clinic, the Velva Medical Center

Commercially, Velva has a number of business enterprises, including a Velva Drug Company, and a Velva Parts Center. Velva also hosts a laundromat, a barber shop and two beauty salons, a cafe, a gas station, a credit union and a bank, a grocery store, a day care facility, at least three insurance agencies, a plumbing service, a funeral home, and a motel. Velva also is home to a biweekly newspaper, The Valley Star. At least two religious denominations maintain buildings and services in Velva, including St. Cecilia's Catholic Church, and Oak Valley Lutheran Church. In addition, Velva has its own social organizations, including American Legion Post 39, a senior citizen's group, a Lions Club, and an Association of Commerce. Under Commission precedent, the presence of these civic, business, religious and social indicia demonstrates that Velva is a community deserving of its own aural transmission service. *See, e.g., Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991). That the local phone book has a section entitled Velva confirms this result. *See attached.*

The above proposal would enable Velva to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible.

Accordingly, it is respectfully requested that the Commission issue a Notice of Proposed Rule Making as herein requested and thereafter adopt such a proposal.

Respectfully submitted,

**HIGH PLAINS  
BROADCASTING, INC.**

By:   
F. William LeBeau

HOGAN & HARTSON L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004-1109  
(202) 637-5706

Its Attorneys

November 24, 1998

98

## U

## U S GOVERNMENT

Interior Dept Of Fish & Wildlife	
J Clark Salyer Refuge Headquarters	
RR Upham	768-2548
Labor Department Of	
Occupational Safety & Health	
Administration	1-701-250-4521
Post Office	
Upham	768-2816
Bantry	768-2895
Veterans Affairs U S Dept Of	
Benefits Information & Assistance	
VA Center Fargo ND	
Toll Free	1-800-827-1000

## UPHAM CITY OF

FIRE DEPT Upham	768-2900
POLICE	537-5633

## UPHAM FARMERS ELEVATOR CO

PO Box 6 Upham	768-2541
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UPHAM FIRE HALL	
PO Box 122 Upham	768-2910
UPHAM LEGION HALL	
PO Box 155 Upham	768-2677
UPHAM PAYING & RECEIVING STATION	
First National Bank Of Bottineau	768-2881
UPHAM SPECIAL SCHOOL DIST 29	
PO Box 26 Upham	768-2531

## V

VORMESTRAND Alan & Colleen	
PO Box 31 Upham	768-2877
D 7815 6th Ave N Upham	768-2876
Floyd PO Box 81 Upham	768-2839
Mabel PO Box 54 Upham	768-2924

## W

WAHL Rodney A & Colleen A	
Upham	768-2538
Verna 202 F Ave N Upham	768-2951
WALLS Bryan C & Rebecca	
7511 9th Ave N Upham	768-2836
WELSTAD Kirk & Kimberly	
8088 14th Ave N Upham	768-2667

WERLE Edward	
7396 7th Ave N Upham	768-2622
Irving G 751 74th St N Upham	768-2656
WESTERN STATE BANK-UPHAM	
BRANCH Upham	768-2522
WICKMAN Ben	
1016 75th St N Upham	768-2641
WILLOUGHBY Rick & Lori	
7808 3rd Ave N Bantry	768-2859
WRIGHT Rodney K	
PO Box 12 Upham	768-2509

## Y

## YELLOW PAGES CLASSIFIED DIRECTORIES

Toll Free	1-800-510-9450
YORK William & Shirley	
PO Box 94 Upham	768-2545

## Z

ZAHN Lonnie PO Box 136 Upham	768-2864
ZERETZKE Eddie	
PO Box 173 Upham	768-2809
ZURCHER Raymond	
8521 12th Ave NW Upham	272-6243

## VELVA

## A

## ADM-MIDWEST PROCESSING COMPANY

RR 2 Box 110 Velva	338-2491
US Toll Free	1-800-548-8613
Canada Toll Free	1-800-232-1487

## AT &amp; T CORP

Long Distance Services	
Residence Toll Free	1-800-222-0300
Business Toll Free	1-800-222-0400
Repair Toll Free	1-800-222-3000
Telephones-Computers-	
Communications Equipment	
Small Business Telephone Systems	
Sales	1-800-247-7000
Repair	1-800-628-2888
Shareholder Information	1-800-348-8288

AANRUUD L P 203 4 St W Velva	338-2956
Orville 212 2nd St E Velva	338-2620

AASETH Donald	
424 Riverside Dr Velva	338-2755

ABEL Eva 100 2 St W Velva	338-2417
James D 207 2 St W Velva	338-2376

ABRAHAMSON Kacey & Kristie	
Velva	338-2044

## AMBULANCE 911

## AMERICAN AIRLINES INC

Passenger Reservations &	
Information Toll Free	1-800-433-7300

## AMERICAN CANCER SOCIETY-CANCER INFORMATION &amp; MEMORIALS

1005 Westrac Dr Fargo	
Toll Free	1-800-342-4535

AMERICAN LEGION POST 39	
201 N Main	338-2788

## AMTRAK

National Rail Passenger Service	
For Station Information Only Call	
201 W Dewey St Rugby	776-5774
For Reservations & Schedule	
Information Call Toll Free	1-800-872-7245

Amtrak Express Shipping	
201 W Dewey St Rugby	776-5774

Police Dept Emergency Toll Free	1-800-331-0008
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ANDERSON ANDREY C	
RR 1 Box 6A Velva	338-2658

ANDERSON Armann & Joyce	
3440 Hwy 41 Velva	338-2797

ANDERSON Bob & Bev 312 W 3 St	338-2761
Clark & Caroline 3564 Hwy 41 Velva	338-2984
Dennis L & Bonnie RR 1 Velva	338-2818
E M 201 2nd St W Velva	338-2934
James R 112 2nd Av W	338-2614
Jeanine 215 2nd St E Velva	338-2124
Louis 301 W 1st	338-2047
Lucille M 406 2 Av W	338-2133
Marilyn 414 Riverside Dr	338-2092
ANDERSON WM H & LOUELLA	
RR 2 Box 87 Velva	338-2002
ARCHER DANIELS MIDLAND COMPANY	
1388 Hwy 97 Velva	338-2491
Or Call	338-2075
U S Toll Free Dial 1 & Then	800-548-8613
In Canada Dial Toll Free 1 & Then	800-232-1487

ASHLEY DAVID W & JO	
4893 7th Av N Voltaire	338-2144
ASHLEY MONROE 405 4 Av W	338-2954
ASHLEY Stephen	338-2032
AUSTIN Shawn 304 2 Av E Velva	338-2974
Wade & Rose 206 2 St E Velva	338-2148
AYERS Richard 206 1st Av W	338-2037

## B

B J'S BARBER SHOP	
3 E Central Av Velva	338-2804
BACHMEIER Allen RR 2 Box 149A	338-2950
Melvin Velva	338-2618
BAGLIEN Sheldon & Carla	
527 Prospect Av Velva	338-2111
BAKER John 3 1 St E Velva	338-2426
BAKKEN Amy M 300 Prospect Av W	338-2367
BAKKEN CARROL A L FARM	
Voltaire	338-2693
BAKKEN Marion 7 E 2nd	338-2801
Verl Farm 3878 17th Av N Velva	338-2941
BARTOSH Donald J & Gladys E	
40 Heritage Dr Velva	338-2175
BASIN ELECTRIC POWER CO-OP	
Wm J Neal Plant	338-2834
BATKE Reinhold 211 E 2nd	338-2245
BEALL Richard A Carmel Ct	338-2277

## BEAUTY LANE SALON

202 E 1st St Velva	338-2354
BECHTOLD Bill RR 2 Box 73	338-2863
LouAnne 28 Heritage Dr Velva	338-2892
BEE BOP LANES & CAFE	
116 Main St N Velva	338-2450
BEETER Gerald 303 Central Av W Velva	338-2165
Sheryl Valley Manor Park Velva	338-2068

BEETER Stacie 304 2 Av E Velva	338-2974
BELL Esther Mrs 308 W 4th	338-2809
BENDICKSON David 6 Park Av Velva	338-2741
BENSON Mary 403 2nd St E Velva	338-2610
BERG Lloyd 100 1 St E Velva	338-2268
BERGSTAD Julia 209 E 2	338-2807
Patricia & Lester Velva	338-2583
BERGSTRAZER John Rev 206 3 Av W	338-2052
BERLAND Donald 3 Heritage Dr	338-2743
BICK Elmer 508 1st Av W Velva	338-2226
BICKLER C S Rt 2 Velva	338-2324
Edward 205 E 1st	338-2800
BIRR Della M 209 E 2 St	338-2748
BLIHOVDE Argyle & Arlene	
405 4th St W Velva	338-2292
BLOTTER Scott & Vickie	
119 Main St S Velva	338-2720
BODINE Thomas Velva	338-2513
BOE Thomas & Holly 301 Central Av E	338-2083
BOECHLER August A Riverside Dr	338-2050
Collin & Melissa 112 4th St W Velva	338-2043
BOESHANS Fred Jr & Bette Jane	
34 Heritage Dr Velva	338-2211
BOHLENDER D 504 2 St W Velva	338-2897
BOLGEN Arthur 308 W 1st	338-2623
W 209 2 St E Velva	338-2413
BORRESON Leonard	
111 1st Av E Velva	338-2968
BOSSERT Mike 200 A 1st Av Velva	338-2951
Sharon Velva	338-2541
BOYER Arlen & Heidi Velva	338-2569
BRAATEN Gordon 408 W 4th	338-2295
Gregory Voltaire	338-2472
BRADSHAW James 217 E 2	338-2350
Wilbur 507 W 4	338-2390
BREKHUS Larry 202 2 Av W Velva	338-2466
BREKKE Daniel Farm RR 2 Box 67	338-2896
John H 409 Riverside Dr Velva	338-2223
BREWER E Velva	338-2558
BRIGGS Jon & Carmen Velva	338-2516
BRITTON Lori 206 Truax Av E Velva	338-2566
Mary 209 E 1st St Velva	338-2356
BRODELL Lloyd A 9 E 2nd	338-2163
BRUNER L	
Valley Park Manor Trlr Ct Velva	338-2468
BUEN Gene 109 4 Av NE	338-2145
BUETHE Selma 100 2 St W Velva	338-2257
BULYCA Donald 503 W 2nd	338-2058
BURGESS Russell 201 W 4th	338-2335
BURNS ROBERT & ROBIN	
906 River Rd N Voltaire	338-2998
BURSAU Ella 209 2 St E Velva	338-2884

TECHNICAL EXHIBIT  
IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
VELVA, NORTH DAKOTA

Technical Narrative

This technical narrative and associated exhibits have been prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 235C1 (94.9 MHz) to Velva, North Dakota.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 235C1 to Velva, North Dakota. Velva is located in McHenry County, North Dakota and has a 1990 U.S. Census population of 968 persons. Velva has no local FM stations and no local AM stations. Therefore, Petitioner's proposal would be a first local FM broadcast service and first local aural broadcast service to Velva. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Velva, North Dakota	--	235C1

The proposed channel 235C1 reference point is located 84 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada may be necessary.

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Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 235C1 at Velva. As shown, the reference coordinates comply with the Commission's minimum distance separation requirements contained in Section 73.207 with respect to all existing, authorized and proposed stations and allotments.

Figure 2 is a map showing the area to locate channel 235C1 at Velva in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class C1 facilities (ERP 100 kW/HAAT 299 m). The Velva city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Conclusion

Channel 235C1 can be allotted to Velva, North Dakota in compliance with all applicable Commission Rules.

  
W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.  
240 North Washington Blvd.  
Suite 700  
Sarasota, Florida 34236

November 9, 1998

Figure 1

TECHNICAL EXHIBIT  
IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
VELVA, NORTH DAKOTA

FM SEPARATION STUDY

Job Title : Proposed Velva, ND

Separation Buffer 50 km

FCC DB Date : 11/07/98

Channel 235C1 ( 94.9 MHz)

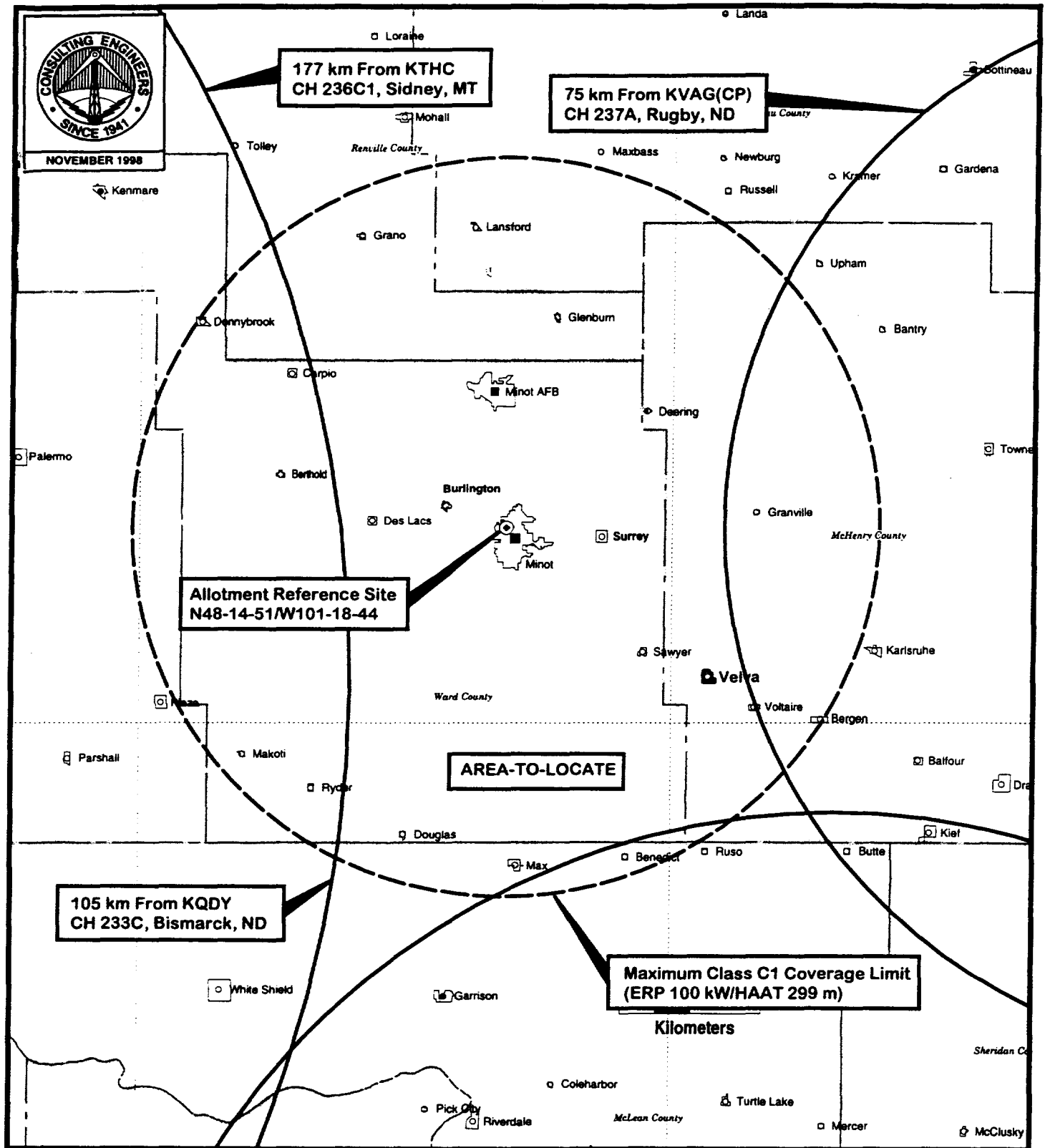
Coordinates : 48-14-51 101-18-44

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KQDY	Bismarck		233C	100.	46-56-31	162.1	152.43	105
LIC	ND	BLH840330AA	94.5	341.0	100-41-38		47.43	CLEAR
	St-Lazare		234A		50-27-06	359.8	245.14	168
	MB		94.7	.0	101-19-34		77.14	CLEAR
Accepted by Commission 960401								
KTHC	Sidney		236C1	100.	48-02-52	264.6	200.03	177
LIC	MT	BLH961025KD	95.1	219.0	103-59-01		23.03	CLEAR
Transmitter site located in North Dakota.								
KVAG	Rugby		237A	6.0	48-15-07	89.2	105.70	75
CP	ND	BPH941219MB	95.3	100.0	99-53-21		30.70	CLEAR

\*\* End of separation study for channel 235C1 \*\*



Figure 2



**AREA-TO-LOCATE**  
**CHANNEL 235C1**  
**VELVA, NORTH DAKOTA**

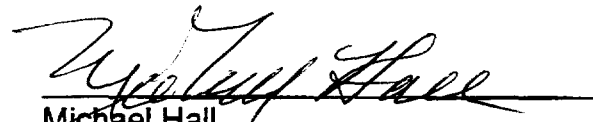
du Treil, Lundin & Rackley, Inc. Sarasota, Florida

**DECLARATION OF MICHAEL HALL**

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel requested in the attached Petition upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

  
Michael Hall

Executed this 19<sup>th</sup> day of November, 1998.